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has arisen. I would request the Government to examine thoroughly all the provisions before extending these Acts and to see if they require modifications. What about Kanyakumari district?

THE HON. SRI M. A. MANICKAVELU: They are of different tenure.

SRI K. BALASUBRAMANYA AYYAR: I again request the Government, before they extend the Act, to examine all provisions and also these tenures and modify the Act suitably and then apply. That will be easier than applying it first and afterwards creating difficulties, or petitioning the Revenue Divisional Officer. All this causes inconvenience. Otherwise, it is alright.

* THE HON. SRI M. A. MANICKAVELU: Sir, I may say that I am also not happy over the situation by which I have to bring in as Amending Bill like this. The matter ought to have been foreseen and rectified then and there. I think it was pointed out in the Council then that the Bill would habe to go back to the Assembly. That was the difficulty. Now it has not only to go back, but it has to emanate there and then come here. The situation is more complicated now. I do not know how it did not catch our imagination then. Anyway it has happened. I request that the Bill be taken into consideration. 3.40 p.m.

MR. CHAIRMAN: The question is—

"That the Madras Cultivating Tenants Protection and Payment of Fair Rent (Amendment) Bill, 1961 (L.A. Bill No. 28 of 1961), as passed by the Assembly, be taken into consideration.

The motion was put and carried and the Bill was taken into consideration.

Clauses 2, 3 and 1 and the Preamble were put and carried.

THE HON. SRI M. A. MANICKAVELU: Sir, I move—

"That the Madras Cultivating Tenants' Protection and Payment of Fair Rent (Amendment) Bill, 1961 (L.A. Bill No. 28 of 1961), as passed by the Assembly, be passed."

MR. CHAIRMAN: The question is—

"That the Madras Cultivating Tenants Protection and Payment of Fair Rent (Amendment) Bill, 1961 (L.A. Bill No. 28 of 1961), as passed by the Assembly, be passed."

The motion was put and carried and the Bill was passed.

(2) THE MADRAS TENANTS AND RYOTS PROTECTION (AMENDMENT) BILL, 1961 (L.A. BILL NO. 29 OF 1961).

* THE HON. SRI M. A. MANICKAVELU: Sir, I move—

"That the Madras Tenants and Ryots Protection (Amendment) Bill[a], 1961 (L.A. Bill No. 29 of 1961), as passed by the

[a] Printed as Appendix IV on page 335 infra.

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The Madras Tenants' and Ryots' Protection Act, 1949 (Madras Act XXIV of 1949) was enacted in 1949 with a view to providing for the temporary protection against eviction, among others, of the tenants of private lands in estates governed by the Madras Estates Land Act and against the sale of the holdings of the ryots in such estates and to providing for the stay of suits and other proceedings relating to such eviction and sale pending the taking over of the estates by the Government under the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948). The Act provided that during its continuance, no tenant of any private land in an estate shall be liable to be evicted by the landholder of the estate in pursuance of a decree or order for eviction and that no holding of a ryot in an estate shall be liable to be sold or brought to sale in pursuance of a decree, order or other proceeding for recovery of rent. It also laid down that all suits, proceedings in execution of decrees or orders and other proceedings for the eviction of such tenants from their lands or in which the sale of the holding of a ryot for recovery of rent was claimed shall stand stayed subject to certain conditions. The Act was enacted originally for a period of two years in the first instance. It has been continued from time to time. The life of the Act now stands extended up to and inclusive of 7th October 1961. The process of taking over estates under the Abolition Act is nearing completion, but there still remain some estates to be taken over. The Abolition Act does not also apply to inam villages which became estates by virtue of the Madras Estates Land (Third Amendment) Act, 1936. The question of undertaking legislation for taking over this class of estates also is under the consideration of the Government. Meanwhile, if the Madras Tenants' and Ryots' Protection Act, 1949, is allowed to expire on 7th October 1961, the proceedings for the sale of holdings, etc., which had been initiated and which had been stayed by that Act will get revived and could be proceeded with and even fresh suits may be launched by landholders in these areas. The Government have, therefore, decided to extend the life of the Tenants' and Ryots' Protection Act, 1949, for a further period of two years. The Bill accordingly provides for the extension of life of the Act up to 7th October 1963.

I commend the motion for the acceptance of the House.

MR. CHAIRMAN: Motion moved—

"That the Madras Tenants and Ryots Protection (Amendment) Bill, 1961 (L.A. Bill No. 29 of 1961), as passed by the Assembly, be taken into consideration."

SRI K. BALASUBRAMANYA AYYAR: Mr. Chairman, Sir, it is five years since the original Act was passed. The Hon. the Minister for Revenue himself said that this was for the temporary protection of tenants in private lands in estates. Most of the estates except a few have been taken over and have become ryotwari lands. But this Act stays the execution of all suits pending at the time and also execution of decrees which have been obtained. How long

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are these to be stayed and kept pending? The Government can bring in a comprehensive legislation saying that there shall be no eviction. That I can understand. But to keep the matter pending for twelve years is not proper. Of course, decrees will not lapse on account of the Act itself. Otherwise, twelve years will be over and the decree will become time-barred. On account of the Act they are kept alive. Therefore, the Government are keeping them alive and at the same time extending the life of the Act. This is an anomalous position. Something ought to be done with regard to 1936 inams. They can be dealt with separately. The Government can introduce a provision that where suits can be decreed, they shall be decreed. Otherwise, for the sake of only one estate, everything will have to be kept pending. Even if there is only one small piece of private land remaining, the matter will have to be kept pending. That is a matter which has got to be seriously taken into consideration. So far as the 1936 inams are concerned, there can be a separate legislation for them. The matter can be kept pending so far as they are concerned. But in the case of other estates, almost the matter is over. If, the Government are going to wait for the sake of one estate remaining, it may take five or six years. Then all suits and decrees will have to be kept pending for a long time. That is a matter to be seriously considered.

* THE HON. SRI M. A. MANICKAVELU : Mr. Chairman, Sir, I concede that a provision for stay like this should not be kept for a long time. It should be for a short duration. But the difficulty seems to have arisen in this way. When we contemplated this stay proceeding, we thought that any suit or other legal proceedings would be kept pending for a short duration. But due to the litigant tendency of some people, probably the litigant was dragged not only to the High Court but to the Supreme Court. That is one reason. What I want to urge is this. It has been allowed to continue for a number of years. Now we are at the fag-end of these operations. The Land Ceiling Bill is on the anvil. Discussion is over in the other House. We have now come to a state when all this land reform will be in a way settled. Therefore, I think the House will not mind giving an extension. I have taken care to see that it is not necessary to extend it still further. I have asked for an extension by two years. Formerly, this extension process used to be coming up every year. It was awkward. Now at a stretch I have asked for an extension for two years. I am sure there will be no further necessity for extension. Meanwhile I think everything will be settled. I am told that in some of these cases stay will very soon be vacated and the cases disposed of. Therefore, I plead for the indulgence of the House to pass this Bill.

MR. CHAIRMAN : The question is—

" That the Madras Tenants and Ryots Protection (Amendment) Bill, 1961 (L.A. Bill No. 29 of 1961), as passed by the Assembly, be taken into consideration. "

The motion was put and carried and the Bill was taken into consideration.

Clauses 2 and 1 and the Preamble were put and carried.

THE HON. SRI M. A. MANICKAVELU : Sir, I move—

" That the Madras Tenants and Ryots Protection (Amendment) Bill, 1961 (L.A. Bill No. 29 of 1961), as passed by the Assembly, be passed. "

MR. CHAIRMAN : The question is—

" That the Madras Tenants and Ryots Protection (Amendment) Bill, 1961 (L.A. Bill No. 29 of 1961), as passed by the Assembly, be passed. "

The motion was put and carried and the Bill was passed.

## (3) THE MADRAS CULTIVATING TENANTS PROTECTION (AMENDMENT) BILL, 1961 (L.A. BILL NO. 30 OF 1961).

3-50 p.m. * THE HON. SRI M. A. MANICKAVELU : Mr. Chairman, Sir, I move—

" That the Madras Cultivating Tenants' Protection (Amendment) Bill , 1961 (L.A. Bill No. 30 of 1961), as passed by the Assembly, be taken into consideration."

Sir, the Madras Cultivating Tenants' Protection Act, 1955, was last extended to be in force up to and inclusive of 26th September 1961. The object of the Act is to protect the interests of the cultivating tenants in the State pending introduction of comprehensive land reform. As it will take some more time for ceiling to be imposed on land holdings and revision of the tenancy laws suitably, the Government consider that the life of the Act should be extended for a further period of two years from the 27th September 1961. The Bill accordingly provides for the extension of the life of the Act up to and inclusive of the 26th September 1963.

I think I am on better grounds so far as this Bill is concerned. The reason is that in our State we have taken very elaborate steps to see that we make the Bill as foolproof and safe against legal assault as possible. Thanks to the presence of the Supreme Court gentleman and other legal luminaries in the Select Committee, the Bill on land ceiling has been properly shaped. We also made a very elaborate enquiry, taking evidence from many persons and organizations. We have thoroughly gone through the whole thing and whatever legal drawbacks there were, they have all been set right. Therefore, Members may not feel sorry even though we may have taken some time over it. We have made very good

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a Printed as Appendix V on page 336 infra.